

## **REMARKS**

### **Status of the Claims**

Upon entry of the amendment above, claims 1-28 will be pending, claims 1, 12, 24, and 27 being independent.

Claims 10 and 11 are withdrawn from consideration and new claims 21 and 22 are directed to non-elected inventions.

### **Summary of the Office Action**

First, a summary of a provisional election is presented, pursuant to a telephone call made by the examiner who had requested Applicants to elect one of three independent and patentably distinct inventions, whereby Applicants had elected the invention of Species I (shown, *e.g.*, in Figs. 1-5), with claims 1-9 considered to be "readable" thereon.

An objection is made to Applicants' incorporation-by-reference of their priority application at the beginning of the specification.

An objection is made to page 7, paragraph 0031, whereby "transverse" was inadvertently misspelled as "traverse."

Claims 1-4 are rejected under 35 USC §102(b) as being anticipated by ABONDANCE et al. (U.S. Patent No. 5,599,036, hereinafter "ABONDANCE").

Claim 5 is rejected under 35 USC §103(a) as being unpatentable over ABONDANCE in view of BAUVOIS (U.S. Patent No. 5,915,719).

Claims 6-8 are rejected under 35 USC §103(a) as being unpatentable over ABONDANCE in view of WOLF (U.S. Patent No. 6,290,249).

Claim 9 is rejected under 35 USC §103(a) as being unpatentable over ABONDANCE in view of CAZAILLON et al. (U.S. Patent No. 5,445,403, hereinafter "CAZAILLON").

**Response to the Office Action****A. Affirmation of Election**

In view of the request on page 2 of the Office action, Applicants hereby affirm their election of the invention of "Species I: Figures 1-5."

**B. Withdrawal of Objections to the Specification**

In view of the amendments above, whereby paragraph 0001 has been canceled and whereby "traverse" has been replaced with "transverse" in paragraph 0031, withdrawal of the objections to the specification is kindly requested.

**C. Withdrawal of All Rejections Based Entirely or Partially Upon ABONDANCE**

At least for the following reasons, Applicants request that the rejections based upon ABONDANCE, whether considered alone or in combination with other documents, be withdrawn.

Although Applicant might cite a plurality of reasons in traverse of the four grounds of rejection, and for which Applicant reserves the right to advance is necessary, attention is directed to the following limitation that appears in independent claim 1. In addition, Applicant has presented new claims which include independent claims 12, 24, and 28 which provide variations on a limitation appearing in claim 1.

Specifically, claim 1 includes the limitation "said support surface being wider than said gliding surface."

Applicant commends the Examiner for including a specific description of the aspect of ABONDANCE relied upon in meeting the terms of this limitation. That is, the rejection includes the statement "refer figs 2-5 where the support surface 3 clearly extends transversely to be wider than the transverse extent of the gliding surface 7 in each section where taken along the length of the gliding apparatus ...."

Applicant respectfully disagrees.

Two points are to be made here. First, reference numeral "3" of ABONDANCE is "a shell ... forming the upper face 4 of the ski and the two lateral faces 5 of the latter, longitudinal metal edges 6, and a sliding sole 7" (column 3, lines 27-29). That is, the gliding surface 7 is defined by ABONDANCE as being a *part* of the shell 3. Therefore, while the part 7 of the whole 3 can be regarded as having a lesser width than the whole itself, Applicant submits that that fact does not fairly address the limitation in the rejected claim.

That is, claim 1 specifies that the "support surface," *i.e.*, not the entire outer periphery, is wider than the "gliding surface." And Applicant's specification has identified the "*support surface*" as a surface "provided to support the user's two feet" (paragraph 0014). Therefore, while reading claim 1 in light of the specification, Applicant submits that claim 1 refers to a surface that a user can stand upon as being wider than the gliding surface. In contrast to such limitation, even discounting the issue of whether more than one foot can be supported by ABONDANCE's ski, Applicant submits that only the aforementioned "upper face 4" of ABONDANCE can be fairly regarded as a "support surface" in the context of Applicant's claim 1. And, clearly, the upper face 4 of ABONDANCE is not shown to be wider than the "gliding surface" thereof (regardless, by the way, whether the metal edges 6 of ABONDANCE are considered part of the gliding surface or whether the sliding sole 7 alone is considered the gliding surface).

Applicant's second point in traverse of the rejection in terms of the limitation in claim 1 relating to the width of the support surface is the following. Even if the rejection is intended to contemplate the combination of upper face 4 and lateral faces 5 as constituting a "support surface," it would appear that the rejection is based upon a transverse measurement along the surfaces of the upper and lateral faces of ABONDANCE's ski (*i.e.*, as if the lateral faces 5 were to be bent upwardly to lie as flat extensions of the upper face 4. If the rejection is indeed so based, Applicant submits that such a measurement would not be fairly characterized as the

"width" of the support surface. Instead, Applicant submits that the "width" of the support surface would be a measurement of a horizontal dimension between the lateralmost extents of the lateral edges of the support surface (such as that of the lateral edges 13 and 14 in Applicant's drawing).

And such width measurement, as shown in any of Figs. 2-5 of ABONDANCE, would result in the width of the combination of faces 4 and 5 to be the *same* as the gliding surface comprised of a combination of sole 7 and co-extensive sliding surfaces comprised by the metal edges 6.

At least for the foregoing reasons, reconsideration and withdrawal of the rejections based upon ABONDANCE, both under 35 USC §102 and §103, are kindly requested.

**D. New Claims 12-28**

As mentioned above, new claims 12-28 have been added. Claims 12, 24, and 27 are independent.

Independent claim 12 is equivalent to claim 1 except for the following. First, the limitation "said support and gliding surfaces substantially have the same length" has been stricken and appears in new dependent claim 23. Second, instead of the aforementioned "width" limitation, claim 12 calls for "said support surface having opposed lateral edges projecting transversely beyond said gliding surface."

Basis for the second feature can be found, certainly, in the drawings (see Figs. 4, 6, 7) as well as in paragraph 0029, which states "The lateral edges 11, 13 of the support surface 2 overhang with respect to the gliding surface 3." Further, a common meaning of "overhang" would include the concept of "projecting beyond."

Thus, even if one were to rely (improperly, in Applicant's opinion) on a combination of upper and lateral faces 4, 5 of ABONDANCE as a "support surface" and merely the sole 7 of ABONDANCE's ski as a "gliding surface," Applicant submits that such "support surface" does not *project*.

New independent claim 24 describes the "support surface" with a greater number of words. Specifically, claim 24 first describes the support surface with the following phrase: "in transverse cross section said support surface extends from a first lateral edge, through a central portion, to an opposite second lateral edge" (which, with reference to Applicant's exemplary drawings, encompasses the central portion 22 and the lateral edges 11, 13). Second, claim 24 further specifies that "with said gliding surface being supported upon a horizontal surface [consistent with Applicant's Figs. 4, 6, 7], said first and second lateral edges being spaced vertically from said gliding surface no less than said central portion of said support surface is spaced vertically from said gliding surface." In fact, in Figs. 4, 6, 7, the lateral edges are shown to be turned upwardly and, therefore, they are more greatly spaced from the gliding surface 3.

In fact, in claim 25, which depends from claim 24, Applicant does in fact provide a more detailed embodiment (such as that shown in the drawings) of the invention, in which the first and second lateral edges are spaced vertically from the gliding surface *greater than* the central portion of the support surface is spaced vertically from the gliding surface.

Of course, the limitations of claims 24 and 25 are not met by ABONDANCE.

Finally, new independent claim 27 includes the subject matter of independent claim 1 and is therefore believed to be allowable over ABONDANCE at least for reasons given above.

In addition, claim 27 further describes "said support surface having a first shovel and a second shovel" and "said gliding surface having a first shovel and a second shovel." As described in Applicant's application, first shovels of the support surface are distinct from and meet the first shovels of the gliding surface and, likewise, regarding the second shovels of the support and gliding surfaces.

Claim 28, which depends from independent claim 27, further specifies that the "support surface has opposed lateral edges projecting transversely beyond said gliding surface," thereby providing an additional reason for allowance, as explained above.

**SUMMARY AND CONCLUSION**

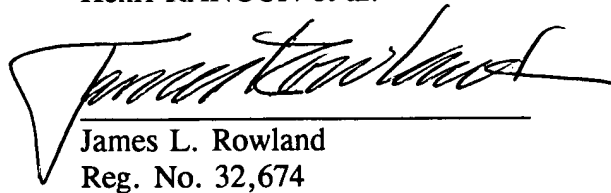
The grounds of objection and rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

A check is enclosed for payment of a claim fee. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicant requests an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,  
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